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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 7 October 2004 at 3 p.m.

Chairman:	Mr. Kyaw Tint Swe	(Myanmar)
later:	Mr. Daoba (Vice-Chairman)	(Slovakia)
later:	Mr. Kyaw Tint Swe	(Myanmar)

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* Items which the Committee has decided to consider together.

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04-53956 (E)

The meeting was called to order at 3.20 p.m.

General debate on all decolonization items

Agenda item 20: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/59/23, A/59/134, A/C.4/59/4)

Agenda item 79: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/59/23, chaps. VII and XII, A/59/71)

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Agenda item 81: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/59/23, chaps. VI and VII, A/59/64)

Agenda item 82: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/59/74)

1. **Mr. Basu** (India), while welcoming the progress made by the United Nations in the sphere of decolonization, said that, almost half way through the Second International Decade for the Eradication of Colonialism, there were still 16 Non-Self-Governing Territories, which demonstrated that the decolonization process was still incomplete.

2. Given the importance of responding to the needs and special circumstances of the peoples of the Non-Self-Governing Territories, a case-by-case approach should be adopted in order to take account of the stages of development and advancement of each Territory and make real progress towards their self-determination.

3. Above all, it was crucial to inform people in the Territories about the political options available to them — independence, free association or integration, as clearly defined in General Assembly resolution 1514 (XV) — in order for real constitutional and political advancement to occur. There were two other important tools. First, United Nations visiting missions were an effective way of assessing the situation in the Territories and ascertaining the wishes of the people concerning their future status. The administering Powers should therefore extend their full cooperation to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in order to facilitate the work of such missions. Secondly, regional seminars were crucial in mobilizing world opinion to support the peoples of the Non-Self-Governing Territories in bringing about an end to colonialism. The idea of combining visiting missions with seminars in order to optimize available resources was worth pursuing.

4. It was the role of the administering Powers to assist the Special Committee in devising effective action plans to accelerate the process of decolonization. In that regard, he welcomed the support given by the Government of New Zealand to the United Nations visiting mission to Tokelau in 2002 and the cooperation offered by the United Kingdom in organizing regional seminars in Anguilla in 2003 and Papua New Guinea in 2004. He hoped that those initiatives would lead the administering Powers to participate more actively in the work of the Special Committee.

5. India endorsed the proposal by the Chairman of the Special Committee that there should be a mid-term review of the Second International Decade and that a mechanism should be developed to systematically review, on an annual basis, the implementation of the recommendations on decolonization.

6. **Mr. Al-Zayani** (Bahrain) recalled that, on 8 December 2000, the General Assembly had adopted resolution 55/146, entitled Second International Decade for the Eradication of Colonialism. The resolution coincided with the fortieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples and had the same objective as the first Decade, namely, to eradicate colonialism from the planet. In its action against colonialism, the United Nations had adopted various texts, including the Millennium Declaration, in which Heads of State or Government reaffirmed the sovereign equality of all States, respect for their territorial integrity and political independence, and the right to self-determination of peoples which remained under colonial domination or foreign occupation. The goal of

the Decade reflected the principles set forth in the Charter, namely, the promotion of human rights, equality between the sexes, the dignity and worth of the human person, social progress and freedom. Despite such efforts, the first Decade had not achieved its goal; it had, nonetheless, been an important element in the Organization's efforts to that end. In 1961, the United Nations had established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the work of which was very important.

7. He emphasized the importance of the Declaration, which established that colonialism was contrary to international law, and encouraged the adoption of practical measures to accelerate its eradication and reflected a growing awareness among the international community, which now believed that colonialism was an impediment to economic development. In the years following the adoption of the Declaration, colonial peoples had managed to break the yoke of foreign domination and become sovereign and independent peoples. The resolutions and texts adopted by the United Nations to that end set forth the measures that must be taken to eradicate colonialism and protect the right of colonial peoples to govern themselves, in accordance with the Charter. He hoped that the second Decade would finally achieve its goal, namely to free the world of colonialism in all its forms.

8. **Mr. Kau** (Fiji) said that work in the area of decolonization remained incomplete, as there were still 16 Non-Self-Governing Territories. He nonetheless acknowledged those administering Powers that had implemented programmes in the quest to find common workable solutions and called on other administering Powers to continue consultations with a view to formulating effective strategies. The onus was on all parties to remain committed to the process.

9. He welcomed the steady progress in the process of self-determination of Tokelau, owing to the good will displayed by New Zealand and the assistance provided by that country and the specialized agencies in the social and economic fields. Progress had also been made in the economic, social and cultural development of New Caledonia, which now enjoyed observer status at the Pacific Islands Forum.

10. He commended the work of the Special Committee and expressed appreciation to its Chairman, the Permanent Representative of Papua New Guinea, and said that his Government fully endorsed the Special Committee's report. He also thanked the Government of Papua New Guinea for hosting the seminar held in Madang in May 2004, which had provided an opportunity for dialogue in a regional setting, and urged all parties to remain engaged in the process.

11. **Ms. Mujuma** (United Republic of Tanzania) thanked the Special Committee for its report and said that her Government supported the recommendations contained therein. Her country's independence and United Nations membership had been ushered in by the Trusteeship Council. However, despite the adoption in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the establishment of the Special Committee, there were still 16 Non-Self-Governing Territories. It was the obligation of the Committee and the international community at large to work expeditiously to complete the decolonization of those Territories.

12. She welcomed the recent regional seminar held in Madang (Papua New Guinea), which had provided an opportunity to review progress made and setbacks encountered and formulate imaginative strategies through the exchange of ideas. It was encouraging to note the constructive cooperation between Tokelau, New Zealand and the Special Committee.

13. It was important to continue efforts to promote the dissemination of information, in particular regarding the self-determination options available to Non-Self-Governing Territories. In that regard, modern information technologies should be made available to the peoples of such Territories in order for them to make informed choices about their destiny. Visiting missions had proved useful in that regard and she hoped they would continue in the same spirit of cooperation.

14. Lastly, her country fully supported the right to self-determination of the people of Western Sahara, called for the speedy implementation of the United Nations Peace Plan and urged both sides to cooperate fully to that end. The Committee should also draw up a programme of work that took account of the specific situation of each Non-Self-Governing Territory. She commended the administering Powers for striving to meet the development needs of Non-Self-Governing Territories and cooperating with the Special Committee

with a view to helping the peoples of those Territories to achieve their chosen destiny and attain self-determination.

Hearing of petitioners (A/C.4/59/Adds.4-7, 9-10, 12, 14 and 16-21)

15. *At the invitation of the Chairman, Mr. Ortiz (Secretary of the Federacion Estatal de Instituciones Solidarias con el Pueblo Saharawi de España) took a place at the petitioners' table.*

16. **Mr. Ortiz** (Secretary of the Federacion Estatal de Instituciones Solidarias con el Pueblo Saharawi de España — FEDISSAH) said the problem of Western Sahara was undoubtedly a problem of decolonization, as demonstrated by the resolutions that the General Assembly had adopted since the end of the 1960s reaffirming the need to decolonize that Territory on the basis of respect for the right of the Saharan people to self-determination and independence. That right had been confirmed by the advisory opinion delivered by the International Court of Justice on 16 October 1975, which was still valid. However, the Saharan people had been prevented from exercising that right by the illegal occupation of the Territory in 1975, which the Government of Spain, the former colonial Power, had facilitated. The armed conflict that had raged between the Frente POLISARIO and Morocco from 1975 to 1990 had not resolved the problem, any more than the deaths of thousands of innocent people and the billions of dollars that had been spent so far.

17. Convinced that a lasting solution to the conflict could only be reached through dialogue and negotiations, in June 1990 and in April 1991 the Security Council had adopted resolutions 658 (1990) and 690 (1991) respectively, which provided for the holding of a referendum on self-determination in January 1992, with the consent of Morocco and the Frente POLISARIO; the United Nations was responsible for organizing and conducting the vote, and for deploying the United Nations Mission for the Referendum in Western Sahara (MINURSO) to guarantee all the requisite preparations. However, more than 12 years had elapsed and the problem had yet to be resolved. Not even the Secretary-General's appointment, in 1997, of a Personal Envoy for Western Sahara had made it possible to overcome the obstacles erected by the Moroccan side to prevent the holding of the referendum. Even after it had approved the Settlement Plan, the Houston Accords and the new peace plan for the self-determination of the people of Western Sahara, Morocco still lacked the political will to respect their provisions. Those continual obstacles, provocations and breaches of the agreements by Morocco had led the United States representative, in 1994, to accuse the Government of Morocco of behaving like "gangsters".

18. The King of Morocco, the Prime Minister and the senior members of the Moroccan administration repeatedly affirmed that they would accept only a referendum guaranteeing Moroccan rule over the Sahara. The United Nations must do more to compel Morocco to respect international law and the Security Council must be much firmer with Morocco. It was most regrettable that the Personal Envoy of the Secretary-General, to whom FEDISSAH paid tribute, had reached a point recently where he had had to resign. The Organization had the means to enforce its resolutions, as it had demonstrated on other occasions.

19. The problem was primarily a political one. It was caused by the refusal of the Moroccan side to agree to the holding of a referendum on self-determination, with all the necessary democratic guarantees. The United Nations was at a crossroads: it could either persuade the Moroccan Government to comply with the peace plan, or it could accept its failure and withdraw, with the resulting loss of confidence and credibility on the part of the international community and the obvious danger of a resumption of hostilities and a setback of a decade. The peace and security of the whole of North-West Africa were at stake.

20. The only just and lasting solution to the conflict would be to give the Saharan people the opportunity to exercise their right to self-determination through a referendum, in the presence of observers, and to beware of attempts to place Morocco and the Frente POLISARIO on an equal footing. It should not be forgotten that Western Sahara was the victim and Morocco the invader. The international community, and the United Nations and the European Union in particular, must stand firm: it could not continue to tolerate the illegal occupation of a Territory and the exploitation of its natural assets. The Saharan Republic had been recognized by a growing number of countries, including South Africa. The time had come to impose a solution and the Security Council should now move from Chapter VI to Chapter VII of the Charter of the United Nations. In addition, in order to reach a speedy and definitive conclusion, it was essential to appoint as

Personal Envoy, by 31 October at the latest, a prominent figure who was recognized to be impartial. The Saharan people should be able to live in peace, freedom and dignity and decide their own future. If that had been possible in Namibia and more recently in Timor-Leste there was no reason why it could not also happen in Western Sahara.

21. *Mr. Ortiz withdrew.*

22. *At the invitation of the Chairman, Mr. Briones (International Association of Jurists for Western Sahara) took a place at the petitioners' table.*

23. **Mr. Briones** (International Association of Jurists for Western Sahara) said the question of Western Sahara was primarily an issue of decolonization. The United Nations Office of Legal Affairs had clearly stated in January 2002 that Morocco was not named as the administering Power of the Territory on the United Nations list of Non-Self-Governing Territories and that it therefore had no sovereignty over Western Sahara. Morocco was thus no more than an occupying Power whose presence was therefore illegal. Consequently, the United Nations should at the very least require the Moroccan Government, if only by analogy, to fulfil its obligations like any other colonial Power.

24. Western Sahara had dual international legal status inasmuch as it was both a Non-Self-Governing Territory within the meaning of Article 73 *e* of the Charter of the United Nations and also a Territory under military occupation. Consequently, the provisions of international humanitarian law and of the fourth Geneva Convention of 1949, to which Morocco had been a party since 1957, should continue to apply. As it had done for the West Bank and Gaza in 1980 and for East Timor in 1975, the Security Council should formally declare Western Sahara an occupied Territory, on the basis of the Settlement Plan for Western Sahara.

25. By building a 2,500-kilometre-long wall in Western Sahara, Morocco was effectively annexing the majority of Saharan territory and further blocking any progress towards a legal solution to the issue. Had the "apartheid wall", which virtually shut the Saharans into a ghetto and was defended by anti-personnel mines, been intended as a defence, Morocco would have constructed it on its own territory and not in Western Sahara. The wall complicated the Saharan people's exercise of their right to self-determination because it created demographic and geographical divisions and imbalances, and it constituted a gross violation of Saharans' rights, in particular their rights over their natural resources, as well as a threat to the future of the Territory.

26. The status accorded in the past to the South-West Africa People's Organization, and which the Palestine Liberation Organization currently enjoyed, should also be granted to the Frente POLISARIO. The rights, interests and natural resources of Western Sahara should be protected in the same way as Namibia's had been.

27. The Saharan people and those who defended their cause and their fundamental rights continued to suffer repression, arbitrary detention, torture and persecution at the hands of the Moroccan regime. The United Nations should put a stop to such practices by appointing without delay a new independent jurist to assist the Special Representative, the post having been vacant since 1999.

28. The King of Morocco had recently defended, in the United Nations General Assembly, the notion of an autonomous Western Sahara, but under Moroccan rule. Indeed, the Moroccan Government was opposed to a referendum in which independence was an option. Since the resignation of Mr. James Baker, the Moroccan side had been attempting either to force the Saharan side to accept autonomy or to make the conflict drag on, taking refuge in the lack of agreement between the parties. It was important to recall that the only parties to the conflict were the Frente POLISARIO and the Kingdom of Morocco, and that there existed a settlement plan and a peace plan, both drawn up by Mr. Baker, representing the fruit of seven years of effort. A referendum on independence was the legal and political foundation of the right of peoples to self-determination. That being the case, the framework established in Security Council resolutions 1495 (2003) and 1541 (2004) should be maintained and the provisions of those resolutions strictly applied.

29. Lastly, he said he regretted the lack of determination shown by the Security Council, which even as it boasted of what it had done in Timor-Leste, was indulging in unacceptable foot dragging in respect of Western Sahara, where the decolonization process had been going on for 40 years. He hoped that the recent comments by the President of South Africa, describing as shameful the fact that the issue of self-determination for the people of Western Sahara had

still not been resolved, would spur Committee members to action.

30. *Mr. Briones withdrew.*

31. *At the invitation of the Chairman, Mr. Aurrekoetxea (member of the Basque Parliament and Chair of the European Parliament Intergroup "Peace and Freedom in the Sahara") took a place at the petitioners' table.*

32. **Mr. Aurrekoetxea** (member of the Basque Parliament and Chair of the European Parliament Intergroup "Peace and Freedom in the Sahara") said that, in 29 years, the international community had still not been able to achieve the decolonization of Western Sahara. Its people were tired of resisting, despite the eloquent and flowery messages of passive support they had received. The time had come for the international community to take more effective measures to ensure respect for international law. The time had also come to compensate and stimulate the peoples who fought for their freedom by following the peaceful path laid out by the United Nations.

33. It was essential that the example of Timor-Leste should inspire United Nations actions in Western Sahara. It was to be hoped that the new government of José Luis Rodriguez Zapatero would return Spain to the path of international law from which it had departed in 1975 regarding decolonization; the United Nations still considered it the administering Power of its former colony. The Spanish Government was sure that it could count on the unconditional support of the immense majority of the Spanish people and the international community as well.

34. The efforts of the Secretary-General and his departing Personal Envoy, James Baker, which had resulted in the Baker II Plan, should be welcomed. The cooperation of the Frente POLISARIO, which had led to progress in seeking a solution to the conflict, should also be commended.

35. The Saharan people remained united in their hope to see the international community take firm action to enable them to exercise their inalienable right to self-determination and independence. Support for their peaceful struggle to exercise their legitimate rights was inseparable from the fight against injustice and oppression and was inextricably linked to the efforts of all free nations to ensure the triumph of the ideals of justice, democracy and freedom.

36. Aside from the negative political, social and economic consequences of the Moroccan occupation of Western Sahara, tens of thousands of men and women continued to suffer the fierce repression of the Moroccan military occupying regime, whose methods included forced disappearances, torture and summary executions. It was therefore not surprising that hundreds of thousands of Saharans who lived in their homeland had been forced to flee since 1975, and were found for the most part in refugee camps surrounding Tindouf, where the living conditions were extremely precarious.

37. The repeated appeals of the Security Council and the reports of the World Food Programme showed that aid was not sufficient and that there were scarcity of basic foodstuffs. The delays experienced in the execution of prior programmes had led to chronic imbalances in the diet of refugees, causing a malnutrition rate of 35 per cent in children and an anaemia rate of about 48 per cent in women of childbearing age and of 45 per cent for children.

38. Clearly, without the efforts of the Frente POLISARIO, the Algerian Government and other friendly Governments, but especially humanitarian solidarity and assistance agencies, the genocide of the Saharan people would have been complete. Only the survival of the civilian population could allow the Saharan people to exercise their legitimate right to self-determination. That people desired and deserved the decolonization of their Territory. The Security Council should move from Chapter VI to Chapter VII of the Charter of the United Nations in order to execute international law, as the Secretary-General had said during a visit to the Tindouf refugee camps in 1998, certifying that the United Nations had the means to enforce the agreements signed.

39. *Mr. Aurrekoetxea withdrew.*

40. *At the invitation of the Chairman, Mr. Rodriguez (President, Liga Pro Derechos Humanos) took a place at the petitioners' table.*

41. **Mr. Rodríguez** (President, Liga Pro Derechos Humanos) said that nearly 30 years of the illegal Moroccan occupation, in violation of the advisory opinion of the International Court of Justice at the Hague recognizing the Saharan identity prior to Spanish colonization and rejecting the annexationist claims of the Kingdom of Morocco, showed that despite those statements of intent, human rights

remained subordinate to economic and geopolitical interests.

42. Despite the silence of the Kingdom of Morocco, statistics gave a picture of the violence of the repression practised against the Saharan people. Secret detention centres had been discovered, where many Saharans and other opponents of the regime were detained and tortured with total impunity. The passivity of the international community allowed the fundamental rights of the Saharans to be violated on a daily basis. Only the exercise of their right to self-determination through a free, transparent and just referendum could allow those rights to be fully protected, where the international mechanisms intended for that purpose had not always managed to do so.

43. The statement of the Moroccan King Mohammed VI on the first anniversary of his accession to the throne terming the question of the decolonization of Western Sahara an "artificial dispute" was outrageous, considering that the first article of the International Covenant on Economic, Social and Cultural Rights, like that of the International Covenant on Civil and Political Rights, which the Kingdom of Morocco was required to implement, established that all peoples enjoyed the right to self-determination. Morocco continued to hinder the peace process and to refuse to cooperate with MINURSO, demonstrating that it had no interest in the settlement of the conflict. Even more worrisome was the inability of the international community to ensure respect for the law and to protect the fundamental rights of the Saharan people.

44. After the latest postponement of the referendum on self-determination, a "third way" had been proposed which would attempt to make Western Sahara a province of Morocco with "some degree of autonomy" and, according to the arguments put forward, would help to avoid the risk of renewed war in the Sahara. The Liga Pro Derechos Humanos believed that the only legitimate settlement of the conflict should result from a referendum on self-determination; it therefore rejected the idea of a third way that denied the right of self-determination recognized in the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 and in the Charter of the Organization of African Unity, which stipulated in its article 2 the elimination of all forms of colonialism in Africa. It was therefore out of the question for an illegal military invasion and occupation, indeed for anyone other than the Saharan people to change or write the history of Western Sahara.

45. *Mr. Rodríguez withdrew.*

46. *At the invitation of the Chairman, Ms. Ramos (American Association of Jurists) took a place at the petitioners' table.*

47. **Ms. Ramos** (American Association of Jurists) said that the organization of which she was a member was deeply committed to the exercise by all peoples of their right to self-determination and to fighting imperialism and colonialism, as it believed that most conflicts in Latin America, the Caribbean and throughout the world arose from interventionist policies. Therefore, the Association supported the inalienable right of the Saharan people to self-determination and independence in accordance with resolution 1514 (XV), the Charter of the United Nations and the settlement plan developed by the United Nations and the Organization of African Unity (OAU) in 1990, which provided for the holding of a referendum on self-determination for the Saharan people with the agreement of the parties to the conflict, Morocco and the Frente POLISARIO under the auspices of the Secretary-General of the United Nations. For over 25 years, the Saharan people, under the leadership of the Frente POLISARIO, had continued to face all types of obstacles to recovery of their freedom and independence.

48. The only path leading to the independence of Western Sahara was the holding of a referendum. Most of the proposals made since the elaboration of the settlement plan violated the right to self-determination and weakened the obligation of the United Nations to defend the liberty of peoples. Armed conflict might resume and engulf the entire region if the rights of the Saharan people were not respected. The United Nations must protect the territorial integrity and natural resources of Western Sahara, a territory that multinational companies and major Powers coveted because of its natural riches, particularly oil. It must also implement the advisory opinion dated 16 October 1975 in which the International Court of Justice concluded that no tie of territorial sovereignty could be established between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity and that the decolonization of Western Sahara should continue in accordance with General Assembly resolution 1514 (XV).

49. The United Nations Under-Secretary-General for Legal Affairs had pointed out that the Madrid Accords, signed on 14 November 1975 without the consent of the Saharan people or the United Nations, did not transfer sovereignty over the Territory or confer the status of administering Power on any of the signatories; in any case, Spain could not transfer that status unilaterally. The 1975 transfer of administrative authority over the Territory to Morocco and Mauritania did not cast doubt on the status of Western Sahara as a Non-Self-Governing Territory.

50. The American Association of Jurists appealed to the Committee to take note of the harsh living conditions of more than 160,000 Saharans living in refugee camps in Tindouf because of the illegal occupation of the Sahara and the passivity of the United Nations, which had not secured its decolonization. It called upon Member States to follow the example of South Africa and the Bolivarian Republic of Venezuela in officially recognizing the Saharan Arab Democratic Republic.

51. *Ms. Ramos withdrew.*

52. *At the invitation of the Chairman, Mr. Morillas Gómez (Coordinador Estatal de la Asociación de Amigos del Pueblo Saharaui) took a place at the petitioners' table.*

53. **Mr. Morillas Gómez** (Coordinador Estatal de la Asociación de Amigos del Pueblo Saharaui) said that Western Sahara should have followed the same political decolonization process as Angola, Belize, Cape Verde, Djibouti, Guinea-Bissau, Guyana, Mozambique, Namibia, Sao Tomé and Principe and Suriname, which were now independent countries and members of the community of free nations. However, because of the pressure brought about by the Green March and General Franco's last agony, Spain, the titular colonial Power, had surrendered administration of the Territory to Morocco and Mauritania in order to focus on the development of its domestic situation, to the detriment of its international obligations. Everyone had suffered, even Morocco, with the exception of its elite. Mauritania had been forced to abandon Western Sahara because of the economic disintegration brought about by its co-administration of the Territory with Morocco.

54. Just as Timor-Leste had been decolonized in order to protect the stability of its developed neighbouring countries in Asia and the Pacific, such as Australia and New Zealand, the same course should be followed in the Sahara. Military intervention in Iraq had been justified because it had been necessary to put an end to Iraq's occupation of Kuwait. Western Sahara resembled an occupied Kuwait, situated near Europe and the Mediterranean sea, in Africa and at the heart of the Maghreb. There should be no double standards; if the Syrian Arab Republic should leave Lebanon, then Morocco should leave Western Sahara. If, as some people believed, the war in Iraq was illegal, then the same was true of the war of occupation that Morocco had waged in the Sahara since 1975.

55. The passivity of the international community also had adverse consequences for the Moroccans, as 80 per cent of the young people believed that their only hope was to leave the country. Furthermore, a United Nations report had shown that more than 134,000 hectares of land was devoted to drug crops. That situation not only encouraged emigration but also bred discontent, laying the foundation for fundamentalism, as evidenced by the attacks on 11 September in New York and 11 March in Madrid and the attacks in Bali.

56. The over 3 million Moroccan emigrants, hundreds of thousands of Africans and Asians attracted to Morocco by a powerful immigration industry, the countries neighbouring Morocco on both sides of the Mediterranean sea and the United Nations, whose mission had cost more than €600 million, were all bearing the costs of the occupation of Western Sahara by Morocco. The international community must therefore come to the rescue of the Saharan people, who were open-minded, noble, hard-working, cosmopolitan, and respectful of women, and from whom the rest of the Muslim world could draw a good example.

57. **Mr. Esono Mbengono** (Equatorial Guinea) asked Mr. Morillas Gómez what link there was between the situation in Western Sahara and the phenomenon of immigration across the strait.

58. **Mr. Morillas Gómez** (Coordinador Estatal de la Asociación de Amigos del Pueblo Saharaui) said that the situation stemmed from the stagnation of the Moroccan economy over the previous 20 years and the millions of dollars squandered by the construction of the wall that ate away at the Moroccan economy like a cancer. Faced with dim prospects at home, hundreds of thousands of young people risked their lives aboard flimsy vessels in an attempt to get to Europe.

59. *Mr. Morillas Gómez withdrew.*

60. *At the invitation of the Chairman, Mr. Iñiguez (Periodistas Especializados en Música, Ocio y Cultura and Asociación de Amigos del Pueblo Saharaui de Madrid) took a place at the petitioners' table.*

61. **Mr. Iñiguez** ((Periodistas Especializados en Musica, Ocio y Cultura and Asociación de Amigos del Pueblo Saharaui de Madrid) clarified that one of the organizations he represented — an association of journalists specializing in music, leisure and culture — was composed of Spanish journalists of all political persuasions. The Saharan people, after being driven from their land, had found in their culture and traditions a means of protecting an identity that some, especially Moroccan leaders, were determined to bury forever in the sands of the Algerian Hamada, one of the most inhospitable places on earth. For the Saharan people, promotion of the Saharan culture amounted to a struggle for the rights of which they had been deprived for so many years.

62. A Spanish national, he had spent his adolescence in Western Sahara, then a province of Spain, at a time when the Frente POLISARIO was beginning its struggle against Spanish interests. Thirty years later, he shared the concerns of the Saharan people and his friends were militants of the Frente POLISARIO. In their struggle, the militants had learned that dwelling on abuses committed against them in the past drained their resistance in the face of the harsh reality of their daily existence. More than 250 associations were involved in promoting the Saharan cause in Spain. That was one of the largest solidarity movements in Europe, grouping individuals of all faiths and persuasions.

63. Spain had every reason not to forget the Saharan people, who had formerly been Spanish nationals. Spain had imposed its language and culture on them, promised them independence, and then betrayed them. King Hassan II had then proceeded to carry out ethnic cleansing, invading the Territory and plundering its natural resources. It was impossible to speak of freedom, justice and democracy in Spain until the Saharan people recovered their land and freedom.

64. Spanish associations working in solidarity with the Saharan cause had had some success, resisting pressure exerted on them. They had fought against the attitude of successive governments that based their policies on silence, lack of information and manipulation. The leaders had tried to mask the Saharan tragedy and the atrocities committed in Moroccan prisons by concocting a misleading image of Morocco, presenting it as a country on the road to democracy and respectful of human rights.

65. Invaders and victims of the invasion could not receive the same treatment. Cooperation with Morocco was indeed crucial, but all parties to the dispute must respect the legitimate rights of the Saharan people, a fortiori Spain, given its historical responsibility. Western Sahara, under occupation by the Moroccan army, was the last colonial Territory in Africa. The ceasefire agreement that had been signed in 1991 and was supposed to have paved the way to a referendum had not been implemented. No one had urged the United Nations to honour the commitments made then, or had forced Morocco to execute the peace plan it had signed.

66. It was high time for solidarity to be turned into clear and precise political action. It was important for all the parties to the conflict to be held accountable for the implementation of the various resolutions adopted by the United Nations, not only the invader, Morocco, but also, at another level, the Frente POLISARIO, that had generally shown goodwill but might find itself at a disadvantage under the latest Baker plan. It must be ensured that the Saharan people were able to decide freely on their own future.

67. *Mr. Iñiguez withdrew.*

68. *At the invitation of the Chairman, Ms. Greet Decausmaecker (Comité belge de soutien au people sahraoui) took a place at the petitioners' table.*

69. **Ms. Greet Decausmaecker** (*Comité belge de soutien au people sahraoui*) said that her statement would address the humanitarian situation in the Saharan refugee camps from the perspective of international law and United Nations resolutions, specifically in relation to the food situation. The most important international bodies involved in that area were the World Food Programme (WFP) and the European Community Humanitarian Office (ECHO) whose work with Saharan refugees dated back to 1986 and 1993, respectively. In the beginning, food aid had been delivered to 80,000 refugees, a figure which had risen twice, in 2000 and 2004, and now stood at 158,000.

70. The food situation in the camps remained very precarious for the following reasons: WFP had been

responsible for delivering five basic commodities (grains, pulses, oil, sugar and salt). However, delays and disruptions in supply, combined with the purchase of the cheapest grain and pulse products, had undermined the nutritional balance. ECHO, which up to 2000 had ensured a balanced diet by providing food supplements (powdered milk, tuna, meat, fruit and vegetables), had handed over its budget to the WFP in 2003, a change that had contributed to a deterioration in the food basket. Delays and shortages persisted and the situation had to be remedied by drawing on reserve stocks. Bilateral donors (Algeria, Belgium, Italy and Spain, among others) had also changed their approach to and management of the problem of Saharan refugees since that structural change.

71. After 30 years in exile, the Saharan refugees had reached their limit. The physical and psychological conditions in the camps were deteriorating, and they would soon be obliged to return to a survival mode that jeopardized agricultural development. The food situation gave rise to growth delays and educational setbacks among children and anaemia among women. The process of recognizing the right to self-determination of the Saharan people, which had been discussed for so long, was at an impasse. Morocco's intransigence continued to impede the efforts to reach a just solution, although the latest Baker plan, that had been accepted by the Frente POLISARIO and approved unanimously by the Security Council, seemed to have given new impetus to those efforts. If the international community did not further commit itself to ensuring strict respect for international law and the agreements concluded, it would soon be confronted with a humanitarian disaster.

72. *Ms. Greet Decausmaecker withdrew.*

73. *At the invitation of the Chairman, Mr. Dedenis (Asociación de Amigos del Pueblo Saharaui) took a place at the petitioners' table.*

74. Mr. Dedenis (Asociación de Amigos del Pueblo Saharaui) said that Morocco had launched its colonialist enterprise in Western Sahara in 1975 by opting for a policy of fait accompli which ignored the right of peoples to self-determination. The situation on the ground remained unchanged: 165,000 Saharans were living as refugees in extremely precarious conditions in four camps in Algeria, while Morocco was unlawfully occupying and exploiting what it called the "usable Sahara" despite the intense diplomacy conducted by OAU and from 1985 by the United Nations. The Frente POLISARIO had shown great pragmatism in accepting the new Baker plan, which was regarded as the optimum political solution but had been constantly rejected by Morocco.

75. The United Nations had in fact imposed itself as the principal and indispensable agent of decolonization in Western Sahara. Under its aegis Moroccans and Saharans had laid down their arms and come to the negotiating table. The self-determination referendum so long awaited by the Saharan people was finally ready on paper. MINURSO had done important work, even if its task was not finished.

76. Since 1975, 165,000 Saharans, mainly women, children and old people, had sought refuge in the Algerian Hamada. They were denied their fundamental right to self-determination and also had to cope with extremely precarious material and moral conditions found in any refugee camp. However, far from adopting a defeatist attitude, the Saharan people, being convinced of the rightness of their cause and the legitimacy of their struggle, had achieved in the camps what they had not achieved in Western Sahara. Created from nothing and run by the Saharans themselves, the camps mirrored the people, as he had seen for himself during geographical research which had taken him to the spot in January and February 2004. The people's attachment to their homeland was expressed inter alia by the use of Western Saharan toponyms (Smara, Dakhla).

77. Given the paucity of their material and financial resources, the success of the Saharan people in that enterprise was remarkable. They could pride themselves on having built in open desert four towns of 40,000 inhabitants each, having no water or electricity supplies but perfectly healthy and peaceful and furnished with an education system, a health system and a handicrafts and agricultural production system.

78. All those achievements drew strength and coherence from the project which had been developed for 28 years by the refugee Saharan people, namely the project of the Saharan Arab Democratic Republic established in February 1976 following Spain's withdrawal from Western Sahara, which was gradually acquiring all the institutions characteristic of a State. While exercise of the imprescriptible and inalienable right of the Saharans to self-determination remained blocked, those extraordinary refugee camps threatened

to become the symbol of one of the greatest injustices ever committed against a people in the history of the decolonization of Non-Self-Governing Territories.

79. *Mr. Dedenis withdrew.*

80. *At the invitation of the Chairman, Mr. Scheiner (Netherlands Foundation for Self-determination in Western Sahara) took a place at the petitioners' table.*

81. **Mr. Scheiner** (Netherlands Foundation for Self-determination in Western Sahara) said that the Foundation was campaigning for the undeniable right of the people of Western Sahara to choose their own political future. Self-determination was a basic right of all peoples and withholding it was a grave violation of international law. The Kingdom of Morocco was not only denying that right to the Saharan people but also exploiting the natural resources of Western Sahara without taking account of the interests of the Saharan people and their sole legal representative, the Frente POLISARIO.

82. For almost 30 years the Kingdom of Morocco had been occupying a large part of Western Sahara. A ceasefire had been in place between Morocco and the Frente POLISARIO since 1991. While the Frente POLISARIO actively supported the peace process led by the United Nations and had accepted the second peace plan presented by the former Personal Envoy of the Secretary-General for Western Sahara, Mr. James Baker, the Moroccan occupier openly rejected that plan. Furthermore, it was using the time furnished by the ceasefire to strengthen its grip on Western Sahara.

83. The Kingdom of Morocco was exploiting the mineral wealth of Western Sahara for its own benefit, while the rightful owner of that wealth, the Saharan people as a whole, did not profit from it in any way. The occupier was mining phosphate deposits in the mines at Bou Craa in such a way that depletion threatened in the near future. It was also exploiting the rich fishing grounds within the territorial waters of Western Sahara by granting licences to States and companies to take large quantities of fish. The Kingdom of Morocco was committing a grave international offence by granting fishing licences for a Territory over which it had no jurisdiction.

84. The latest chapter in the plundering of Western Sahara's natural resources was Morocco's search for oil in its territorial waters. In spite of the Territory's special status, the Dutch company FUGRO NV, among others, had agreed to carry out a seismic survey on behalf of Kerr-McGee, a United States company, which, in conjunction with the French company Total-Fina-Elf, had acquired a licence from the Kingdom of Morocco in October 2001. Despite pressure from the International Coalition for the Protection of the Natural Resources of Western Sahara, FUGRO NV had refused to halt its activities and had completed the survey at the end of June 2004. In so doing, that company, like the foreign companies holding fishing licences, were accomplices in the illegal occupation of Western Sahara by the Kingdom of Morocco. Any exploitation of the Territory's natural resources by Moroccan or foreign companies must not only be condemned but also prevented. The matter was even more urgent since the Moroccan Government had recently declared its intention to start exploiting the oil.

85. Morocco's policy of economic annexation of Western Sahara was a clear violation of the right of the Saharan people to self-determination. The Kingdom of Morocco was trying to create a fait accompli and was thus confirming its unwillingness to end the illegal occupation of the country.

86. The sole representative of the Saharan people, the Frente POLISARIO, was the entity to be consulted about any exploitation of the natural wealth of Western Sahara. It was for the Frente POLISARIO to decide how and under what circumstances that wealth should be exploited. The Kingdom of Morocco could not be allowed to jeopardize the future of an entire people.

87. For more than 30 years the Saharan people had been waiting for their rights to be respected and for the self-determination referendum to be held. They had now waited long enough, and it was imperative for the United Nations to take urgent action to ensure that a free and fair self-determination referendum took place. In the meantime, the United Nations was morally and legally bound to take the necessary measures to protect the national resources of Western Sahara.

88. *Mr. Scheiner withdrew.*

89. *At the invitation of the Chairman, Mr. Belkhodja (Comité Méditerranée) took a place at the petitioners' table.*

90. **Mr. Belkhodja** (Comité Méditerranée) said that, as a member of the Comité Méditerranée, an organization which was a member of the Platform of Solidarity with the Saharan Arab Democratic Republic,

he had taken part in a 10-day observer mission in April 2004 in the MINURSO camps, where he had seen for himself the determination and combativeness of the Saharan people, who had demonstrated in their exile in the camps the capacity to take charge of their own destiny, achieving genuine feats every day in all the vital priority areas such as education, health, security, communication and culture.

91. Today, however, the population of the camps was falling prey to doubt and anger. The programme of confidence-building measures recommended by the Secretary-General and implemented by UNHCR, which had been enabling many people to renew contact with close relatives from whom they had been separated by the war of independence, had been suspended after three months. Thousands of people who satisfied the requirements had been unable to visit their families and thus felt that they were suffering a new injustice.

92. Accordingly, the confidence of the Saharan people and their representatives in the will of the international community to find a speedy and just solution in conformity with international law risked being shattered. From that standpoint, the latest manoeuvres orchestrated by the Moroccan authorities had far from negligible consequences for the search for a peaceful solution. For more than 13 years a whole people had been waiting patiently and trustingly for a referendum which it had been promised; the deferral of the referendum, the Moroccan authorities' repeated denial of the right to self-determination, and the questioning of the legitimacy of the representatives of the Saharan Arab Democratic Republic continued to wound the Saharans.

93. He wished to express the satisfaction and admiration felt by many French people at the political courage demonstrated by South Africa. The official recognition of the Saharan Arab Democratic Republic by the President of South Africa, Mr. Mbeki, showed that the struggle of the Saharan people for the recognition of their right to self-determination was just and legitimate and should encourage the international community to redouble its efforts for the holding of a referendum. The letters addressed by President Mbeki to the King of Morocco showed that the Saharan people had never ceased to trust in peace and a peaceful solution, notwithstanding the ever more violent and aggressive statements by various Moroccans in positions of authority. At a time when Africa was ravaged by numerous ethnic conflicts, the Saharans' continuing quest for a peaceful solution stood as a unique example on the continent. Failure to hold a referendum would be a setback for the entire international community and could have consequences extending even beyond the conflict between the Saharans and the Moroccan authorities. He wondered why the United Nations could not act in Western Sahara as it had in Timor-Leste.

94. The current situation was serious. Many independence movements throughout the world had opted to take up arms. Although the Frente POLISARIO had, for more than 13 years, spared no efforts to achieve peace, there was a risk that young Saharans, who no longer trusted in the implementation of Security Council resolutions 1426 (2002) and 1521 (2004), would cease to believe in the continuing relevance of the ceasefire.

95. Lastly, he said that, like many French activists, he hoped that the United Nations would be able to find the means to reach a political solution, in accordance with the two parties' commitments before the Security Council in 1991.

96. *Mr. Belkhodja withdrew.*

97. *At the invitation of the Chairman, Mr. Lippiatt (WE International) took a place at the petitioners' table.*

98. **Mr. Lippiatt** (WE International) said that the Saharan people had remained patient, surviving in one of the most desolate places on the planet, the Sahara desert in Algeria. They had a representative government, one of the only such governments in the Arab world, which recognized the importance of freedom of expression, freedom of religion and equality between men and women. The Saharans should be recognized and supported as a people that deserved their freedom. Indeed, as far as international law and international recognition were concerned, there was hardly a country that considered Morocco to have a legitimate claim to Western Sahara. About 76 countries had recognized the Saharan Arab Democratic Republic. President Mbeki of South Africa should be commended for his recent brave support for the right of the people of Western Sahara to self-determination. He had rightly stressed that Morocco had absolutely no intention of respecting the right of the people of Western Sahara to determine their destiny, adding that a failure by South Africa to support the Saharan Arab

Democratic Republic would be a betrayal of the country's own struggle against apartheid.

99. The Saharan people had suffered in refugee camps under foreign rule for almost 30 years. During that time, Morocco had tightened its grip on Western Sahara, arresting hundreds, if not thousands, of Saharans, as Amnesty International had shown.

100. In 1991, the United Nations had adopted a resolution calling for a vote based on a Spanish census of 1976. As the date of the vote had approached, Morocco had backed away, reneging on its promise of cooperation and derailing the referendum effort. It had rejected the most recent plan proposed by Mr. James Baker, the Secretary-General's Personal Envoy to Western Sahara, even though the plan made it many concessions, perhaps too many, in that it allowed everyone in the occupied territories the right to vote, including Moroccan settlers. With Morocco's rejection of the plan, Mr. Baker had resigned. The Saharans, on the other hand, had accepted it, once again showing their willingness to abide by the will of the international community and seek a peaceful end to the conflict. For the past 13 years, they had given up everything and gained nothing. The Moroccan Government did not want the international community to tell it what it should do with regard to the status of what it called its "Saharan provinces". That was why a solution should be imposed by the United Nations and the international community.

101. If Morocco had just invaded Western Sahara, the whole world would take the side of the Saharans and stand up against the injustice done to them. Morocco claimed a right to Western Sahara; yet Western Sahara was not Moroccan, it was Saharan. If it were Moroccan, Morocco would not have had to unleash an illegal military invasion some 30 years earlier, in defiance of the International Court of Justice. Moreover, in resettling thousands of Moroccans into Western Sahara, Morocco had also violated the fourth Geneva Convention, which prohibited the occupying Power from transferring parts of its own civilian populations into the territory that it occupied.

102. Must the Saharans perish in the desert before someone — some country — acted on their behalf? It was a humanitarian crisis in the making and the international community should take action for the people of Western Sahara.

The meeting rose at 5.55 p.m.